

Serial No.: 10/535,366
Docket No.: 09792909-6253
Amendment dated January 5, 2009
Reply to the Office Action of October 17, 2008

A. Introduction

Claims 1-3, 5 and 6 were pending and under consideration. Claims 4 and 7-20 stand withdrawn from consideration.

In the Office Action dated October 17, 2008 ("the Office Action"), claims 1-3, 5, and 6 were rejected as obvious.

In response, the rejections are traversed. In view of the following remarks, reconsideration and allowance of the pending claims are requested.

B. Rejection under 35 USC §103

Claim 1-3, 5, and 6 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,674,470 to Tanaka. The rejections are traversed for at least the following reason.

Independent claim 1 requires a full-face signal line that (a) is shared by the pixels, (b) serves as a light shielding film, and (c) has an opening corresponding to a light receiving surface for every pixel. In an attempt to meet these requirements, the Examiner relies on Tanaka reset line 36-1, Tanaka first embodiment. However, reset line 36-1 is not a light shielding film, is not shared by any pixels, and does not have any openings. The Examiner acknowledges that reset line 36-1 is not a light shielding film with an opening and points to figure 28C, Tanaka sixth embodiment. However, figure 28C is limited to a drain of a reset transistor 268 that connects a drain of an amplify transistor 270, neither of which can be reasonably considered connected by a full-face signal line, as required by independent claim 1. See Tanaka, figure 28C (below).

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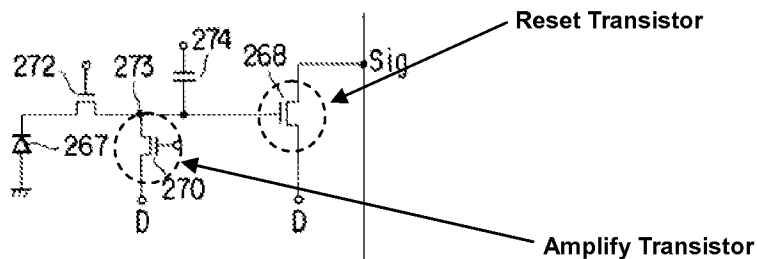


FIG. 28C

Thus, the hypothetical combination of Tanaka's first and sixth embodiments does not disclose or fairly suggest all of the limitations recited by independent claim 1. Further, even if Tanaka's first and sixth embodiments could be combined, such would unquestionably require substantial redesign of the first embodiment, which would destroy its intended purpose and no expectation of success exists. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (References are not properly modifiable if their intended function is destroyed).

Accordingly, Tanaka fails to teach or fairly suggest all of the limitations recited in independent claim 1, and independent claim 1 is patentable over Tanaka. Likewise, claims 2, 3, 5, and 6, which depend from independent claim 1 and include all of the limitations of independent claim 1, are also patentable over Tanaka for at least the same reasons discussed above with respect to independent claim 1. Thus, withdrawal of these rejections and allowance of claims 1-3, 5, and 6 are requested.

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C. Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,
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